

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MINNESOTA

Chambers of
PATRICK J. SCHILTZ
CHIEF JUDGE

United States Courthouse
300 South Fourth Street
Minneapolis, Minnesota 55415
(612) 664 5480

January 13, 2023

Mr. Anton J. Lazzaro
Inmate No. 25584
Sherburne County Jail
13880 Business Center Drive
Elk River, MN 55330

VIA CM/ECF & U.S. MAIL

Re: United States v. Anton Joseph Lazzaro
Case No. 21-CR-0173(1) (PJS/DTS)

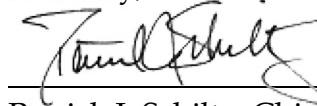
Dear Mr. Lazzaro:

I write in response to your letter of January 5, 2023. In that letter, you request permission to file an exhibit related to your selective prosecution motion.

Your request is denied. You are represented by counsel and, as I have previously informed you, I do not accept pro se motions or memoranda from represented defendants. *See United States v. Agofsky*, 20 F.3d 866, 872 (8th Cir. 1994) (“There is no constitutional or statutory right to simultaneously proceed pro se and with benefit of counsel.”). That has been my practice during my entire judicial career, and I will not make an exception for your case.

Your selective prosecution motion has been fully litigated. I have made my ruling. I understand that you disagree with my ruling, and you will have the chance to ask the Eighth Circuit to reverse my ruling if and when you are convicted. At this point, however, we are going to move forward with trial. I am not going to hear more argument or evidence on this issue.

Sincerely,



Patrick J. Schiltz, Chief Judge
United States District Court